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IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

LARRY WOLLERSHEIM,

Petitioner.

VS.

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Respondent.

Reply to Brief in Opposition to
Petition for a Writ of Certiorari to the Court of Appeals
of the State of California, Second Appellate District

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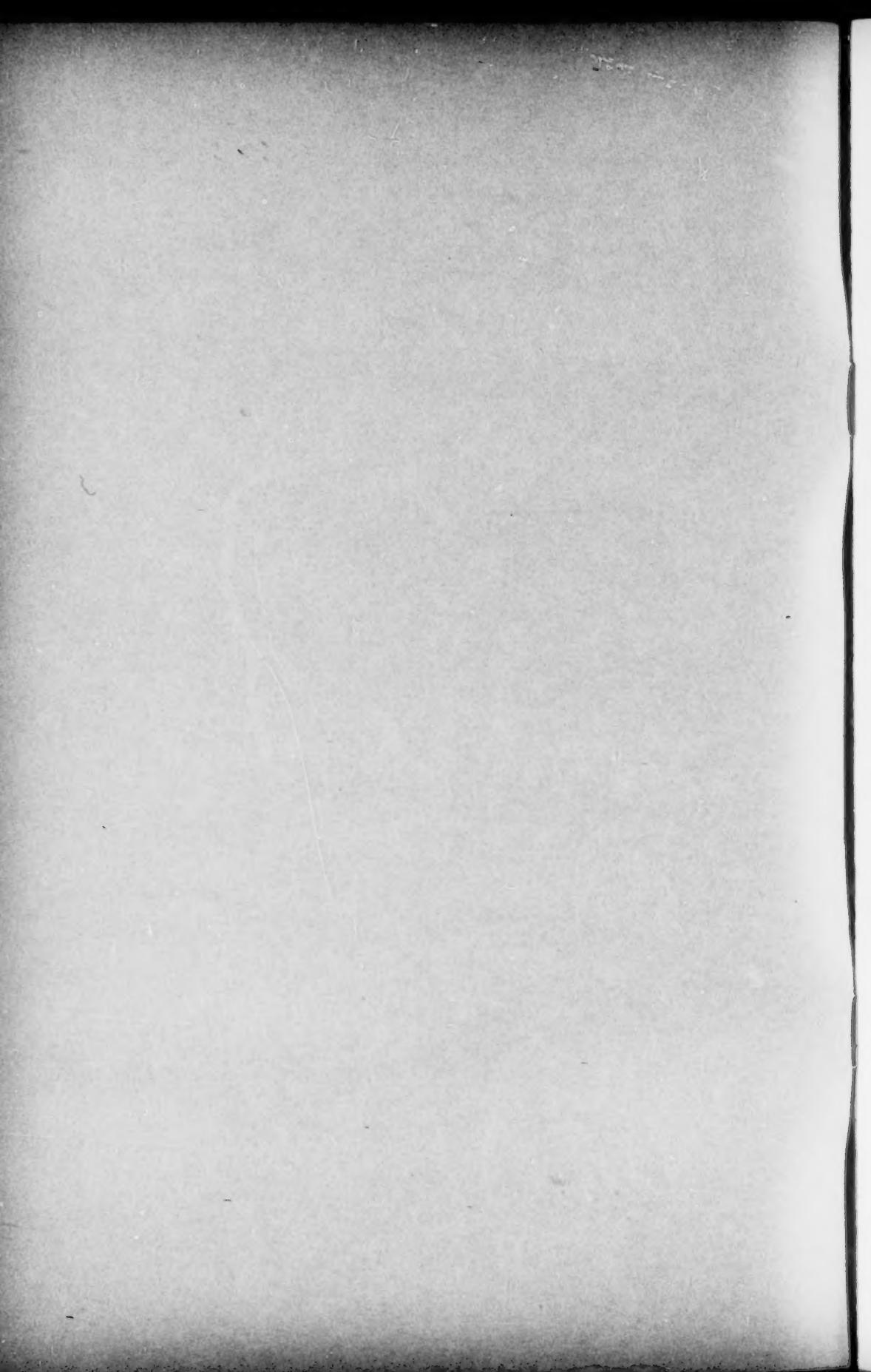


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1 For Parties, Statement of Case, Opinions Below, and Jurisdiction, See Wollersheim v. Church of Scientology of California (89-1367) U.S. Petition for Writ of Certiorari.

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PETITIONER'S REPLY TO BRIEF IN
OPPOSITION

Many of the points first raised in the respondent's brief in opposition indirectly lend validity to the constitutional paradox presented in the Wollersheim question and petition.

Wollersheim will attempt to respond to the most important points, specifically the lack of clear and certain jury and court, standards, procedures, and precedents and for de-certifying and dis-establishing a counterfeit religion.

Specifically, due to the tremendous broadness of the current definition of religion and religious beliefs, a legal pathway to controvert the asserted form declarations of those seeking establishment or desiring to maintain "establishment" is unclear.

How does one controvert another's potentially "counterfeit" religious beliefs, in that they are used as the legal basis and substance for gaining or maintaining establishment? Paradoxically, the threshold sincerity test's technological "flaw" and the broadness of current definitions for religion and religious practice realistically made it impossible for Wollersheim, at lower court levels, to present, argue, and resolve the constitutional paradoxes mentioned herein and in his petition. 1

1 See Appendix C pages J, K. Also see Wollersheim v. Church of Scientology of California 89-1367 1990 (Pet. at 11, 12, 15, 16, 21).

"A religious belief need not be grounded in faith in a Supreme Being, nor in religious practices followed by more widely known churches of religion."

"A set of beliefs are deemed religious if they occupy a place in the life of the possessor parallel to that filled by the belief in God, if they address questions of fundamental or ultimate concern, or if they relate to man's place on earth or in the universe so that they play as central a role in an adherent's life as does the belief in God in more widely known religions" (U.S. vs. Seeger 380 U.S. 163 [1965]). (R.T. 14, 364).

What is constitutionally unclear as a standard, logically implied, but not specifically stated, is that, paradoxically, in spite of any self-made "form" declarations there are certain dangerous ACTIONS that conclusively demonstrate the organization can not be OPERATING as a bonafide religion. As examples: an organization with a history of repeated criminal and civil offenses that are a serious threat to public safety, peace and order; an organization that continually uses tactics antithetical to the U.S. constitution; and the foundations of free religious choice, such as using coercive persuasion or thought reform as their focal and central practice to obtain new membership, to maintain and control existing membership, and to gain "UNDUE INFLUENCE" over membership finances; and finally, organizations that cloak themselves with a counterfeit religious front to assist in establishing an independent political

sovereignty. These before-mentioned endangering secular activities should signal dis-establishment is logical.

This very reasonable protection for the First Amendment sanctuary could occur if the legal standard and definition of religion upon which federal and state courts rely was not uncertain and unclear in the area of congruence of stated intentions and form declarations with deeds and actions.

Further need for clarity in the dis-establishment procedure is seen in the unfortunate additional paradox that current, incident-by-incident, tort law remedies for religious wrong-doing seems only to serve their corrective purpose on the bonafide religions.

"Counterfeit" religions presently enjoying unfairly gained protections and financial advantages of the First Amendment seem to just write off tort-by-tort hand slaps as a very cheap price to keep their special ill-gotten "edge" and to keep "doing business as usual". They also know full well, because of certain legal paradoxes, no one has ever been COMPLETELY dis-established as a religion because no clear legal remedy or precedent exists for this very narrow but vitally important area of the constitutional law.

SCIENTOLOGY CAN NOT LOGICALLY BE A RELIGION

The respondent correctly states the Court of Appeal at the law and motion stage summarily adjudicated Scientology

to be a religion. Wollersheim opposed the requested adjudication at the law and motion stage and contested the propriety of that adjudication in his respondent's brief on appeal.

Wollersheim's opposition consisted, *inter alia*, of the depositions of Eddie Walters, a former member of Scientology's notorious Guardian Office (See United States vs. Heldt, 668 F.2d 1238 [D.C. Cir. 1981]) and Homer Schomer, a former high-ranking Scientology official, wherein they described that the religious image was recognized throughout Scientology as merely a hollow front.

This testimony disclosed that "religion" played no part in petitioner's conduct as alleged in the Complaint, and that the conduct alleged in Wollersheim's complaint was STANDARD policy of petitioner throughout the 1970s.

This testimony also disclosed that petitioner's hierarchy concocted a "religious" front for financial, legal, and public relation (PR) reasons. This "front" would be used as a safepoint to obtain favorable tax status, and to present a favorable "PR image" to the courts, the public, and the media whenever Scientology was criticized or sued for its conduct.

The deposition testimony disclosed that Scientology was not presented to the street public nor to its staff or members as a "religion", but only to the legal system or as a PR front.

The evidentiary exhibits consisting, inter alia, of petitioner's "policy letters", which also disclosed that petitioner fabricated "religious" trappings solely for appearances and the notions of "religion" or "religious belief", were non-existent in petitioner's actual conduct and operations.

Wollersheim's opposition also included the 282-page Stipulation of Evidence executed by the individuals comprising Scientology's upper level management in connection with the federal prosecution of those individuals as chronicled in U.S. vs. Heldt, 668 F.2d 1238 (D.C. Cir. 1981).

For other Scientology criminal and illegal conduct also see Vannier vs. Superior Court of Los Angeles County, 32 Cal.3d 163 (1982); Florida Bar vs. Vannier, 498 So.2d 896 (Florida 1986); Church of Scientology of California vs. Cazares, 638 F.2d 1272 (4th Cir. 1981).²

Wollersheim respectfully submits that any court rulings in his case that state Scientology is a religion are in error and, in any event, were contradicted by the entirety of Wollersheim's evidence at trial, which included not only extensive oral testimony but also a number of Scientology's own documents establishing that Scientology was presented internally as an empirically proven science

2 For a better understanding of these "religious" contradictions see Appendix A at pages A-F regarding the "inner" secret Scientology.

and/or as a modality of treatment for physical, mental or emotional problems.

As stated from their own documents, plaintiff's exhibit #30, Hubbard Information Letter of 12 April 1961 and revised edition 14 April 1961, "P.E. Handout", "Scientology [auditing] is today the only validated psychotherapy in the world... Scientology is a precision science. Scientology is the first precision science in the field of humanities... The first science to put the cost of psychotherapy within the range of any persons pocketbook... The first science to contain an exact technology to routinely alleviate physical illness with predictable success". This unaltered original 4 page document is an amazing contradiction to Scientology's "outer" public position.

As stated in plaintiffs exhibit No. 269 HCOPL 29 Oct 1962 "Religion", "Scientology 1970 is being planned on a religious organization basis throughout the world. This will not upset in any way the usual activities of any organization. It is entirely a matter for accountants and solicitors".

As proven by its own public and staff documents introduced in evidence at trial, Scientology is not a religion but is instead the antithesis of a religion, a group that attempts to cloak its illegal, harmful anti-social conduct with the protective mantle of a religion (People vs. Woody, 61 Cal.2d 716 [1964]). As aptly stated by the Court in U.S. vs. Heldt, 668 F.2d 1238 [D.C. Cir. 1981], "freedom of religion is not en-

dangered but encouraged when criminal conspiracies are suppressed that attempt to hide behind religion" (U.S. vs. Heldt.

Wollersheim's cause of action for intentional infliction of emotional distress alleged, and his evidence in support thereof, proved that there was nothing genuinely religious in content, substance, setting, context or overlay in any of Scientology's conduct and actions toward him. Scientology contended to the direct opposite, but its contentions and evidence were rejected by the **UNANIMOUS** jury verdict in Wollersheim's favor. Therefore, there is, in addition to Wollersheim's pending petition requesting Scientology be dis-established as a counterfeit, no basis in evidence or necessity in law to use his case indirectly as a case that through the lower Court of Appeal decision authoritatively decides that Scientology is a religion and that auditing is [maybe] a religious practice, especially since his evidence demonstrated the direct opposite.

Wollersheim respectfully submits that not only is Scientology not a religion but those particular Court of Appeal decisions are erroneous and should be carefully considered in the ultimate acceptance or rejection of his pending petition for Writ of Certiorari (U.S. 89-1367). Scientology's coercive tactics and abuse of the First Amendment sanctuary is an issue with profound consequences and far-flung ramifications as

even a cursory review of Scientology litigation discloses. 3

Here Wollersheim additionally refers to the long, seemingly endless list of cases wherein Scientology and/or members thereof, raised either, or both, the claim that Scientology is a religion and/or that auditing is a religious practice. The cases start with Founding Church of Scientology vs. U.S., 412 F.2d 1197 91069) and culminate with the recent decision of the U.S. Supreme Court in Hernandez vs. Commissioner of Internal Revenue, 109 S.Ct 2136 (1989). In none of the over one hundred such cases did the court AUTHORITATIVELY decide that Scientology is a religion or that auditing is a religious practice WHEN EITHER OR BOTH OF THOSE CONTENTIONS WAS SERIOUSLY CONTESTED. 4

Wollersheim respectfully submits that herein, the Court of Appeal decision found that there was substantial evidence supporting his contention that Scientology's auditing of him was coerced and not deserving of religious

3 See Appendix A at pages E, F "Targets" discovered in authorized F.B.I. search.

4 State and federal courts are not in agreement on the issue of Scientology's status. Part of the reason for it is it has been tremendously difficult for previous courts or government agencies to make sense of the many illogical contradictions surrounding Scientology. See Appendix A at pages A-F for a historical overview.

freedom immunity 5 under the facts disclosed in the evidence. As such, beyond the issues raised in his pending Writ of Certiorari before the court, and the recommended denial of Scientology's pending Writ of Certiorari, AT THE LEAST his case should not stand as an authoritative decision that Scientology has so actively sought in 20 years of extensive litigation throughout the country. This is not to say that decertifying the Court of Appeal decision provides the solution, but the issue does merit an authoritative decision that hopefully will decide the matter once and for all. However, under his evidence and theory of the case he is entitled to finally have AT LEAST an authoritative decision that Scientology as proven by his evidence is not a religion and that auditing as proven by his evidence is not a religious practice. 6

In closing, the unresolved constitutional question presented by Wollersheim's petition surrounding dis-establishment procedures stopped Wollersheim from entering key evidences. 7

5 Auditing was the key and central element in Scientology's comprehensive program of coercion toward Wollersheim. Appendix C contains a clarifying overview of the technical principles of such a coercive program and some examples of how they were applied to "persuade" Wollersheim.

6 See Wollersheim v. Church of Scientology of California U.S. (89-1367) Pet. at 22.

7 Evidence such as the upper level materials that demonstrate Scientology is

If these paradoxes could have been resolved at lower court levels, and/or without Scientology appealing every lower court decision up to the U.S. Supreme Court and Scientology had been found NOT to be a religion, how much more reprehensible and worthy of punishment would their abuse of the First Amendment sanctuary and their psychological abuse of young adults have been to the appellate justices?

This case raises many federal questions surrounding the central paradox of lack of clear constitutional remedy for the dis-establishment of a counterfeit religion once established.

Since Scientology's 40 year history and ACTIONS represent the best example of the worst example of First Amendment sanctuary abuse, they present an ideal first case candidate for dis-establishment.

4-7-90

CONCLUSION

I respectfully ask that the petition (No. 89-1367) be granted. Respectfully Submitted, Lawrence D. Wollersheim.
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the antithesis of religion and a chillingly accurate example of the historic model in Appendix A at pages A-D.

APPENDIX

APPENDIX A

**A HISTORICAL OVERVIEW OF THE
EXTRAORDINARY NATURE OF SCIENTOLOGY
AND ITS ALTER EGO DIANETICS 1**

In Founding Church of Scientology v. Webster (D.C. Cir. 1986), 802 F.2d. 1448, 1451 (1948) ("whether Scientology is a religious organization, a for-profit private enterprise, or something far more extraordinary [is] an intriguing question...")..)

But what is most extraordinary and intriguing about Scientology, is that there are two separate and distinct Scientology's, an inner and secret Scientology of "substance" and outer Scientology of "front" and "form". 2 This split "personality" is consistent with both the court room evaluation of its creator (L. Ron Hubbard) and the concept of the inner and outer circle common to the organizational structures of past secret societies and secret brotherhoods.

The contradictions between Scientology's history of often detestable behavior and its fervent claims to "religious" exemption will be easier to understand when viewed from the his-

1 Dianetics is the basic text of Scientology.

2 Secret societies are infamous for setting up and disbanding front groups only to later set up the same activity in another new front group. The outer "form" may change but the "inner secret directives" usually stay the same.

torically appropriate inner "substance", outer "form" secret society perspective.

The inner Scientology can be best thought of as a non-religious occult, secret society, or secret brotherhood. The inner Scientology is complete with its own special mystical cosmology and elitist initiations into its exclusive 3 "secrets". The inner Scientology can be better understood by studying the many, similarities 4 of cosmology, policies, and practices of earlier occult, secret societies, and brotherhoods. For example, the O.T.O., an esoteric satanic brotherhood, 5 Madam Blavatsky's "secret doctrine", the Golden Dawn Society (an English secret brotherhood), the Thule and Virl societies, (two german secret societies in which many of the Nazi leaders of WWII were members), and finally the Hashish Assassins (a secret society so powerful it held a key role in the political power balance of the mideast for almost 600 years), are all excellent organizations for studying secret society cosmology, policy, practices, and new member indoctrination to

3 Scientology has tried to prevent any disclosure of its inner nature and their "secret" knowledge by using U.S. trade secret laws and attempting to get all of its materials copyrighted.

4 A great portion of Scientology's secrets are hardly original. They are usually a rehash of the "secrets" of earlier secret societies and brotherhoods with a small dash of "creativity".

5 L. Ron Hubbard was actually involved in this group just prior to his creation of Scientology.

better understand the similarities found in the inner Scientology.

Some common elements to these previous societies are the use of trance and hypnosis to build blind obedience, magic, non-cartesian logic systems, and "secret" initiatory exercises designed to develop, in part, a ruthless, often unfeeling fanatical will to execute the secret societies' hidden inner goals.6

The world view of these secret societies was often that of a special elitism. "Their" secret society was "chosen" to play critical, often hidden roles in current and future world events, i.e. the superman of the Nazis, or the Sea Org and the supposedly disbanded 7 "Guardians" of Scientology.

Most of these societies had a UFO or extra-terrestrial type cosmology confirming and/or bestowing upon them their world historic destinies and imbuing them with their "privileged" special secret knowledge. The goals of these secret brotherhoods were primarily concerned with political power or commercial power as a tool to get or maintain political power. Psychological and/or physical terrorism were common to their inner policies. A good physical terrorism example was the S.S., a

6 Hubbard studied in detail brainwashing, hypnotism, magic, and many of the current tactical elements of what is now called coercive persuasion.

7 See footnote 2.

dreaded division of the Nazi movement 8, or, on the psychological side, the example of the Guardians and Guardians office of Scientology.

The inner circles of these type of brotherhoods traditionally control the outer circles with lies, deception, or, if necessary, blackmail, and utilize or sacrifice the ignorant outer circle members as tools or deployable agents, i.e. the famous hashish assassins who would sacrifice their lives on command.

On the other side of the Scientology dichotomy, the outer Scientology is meant to APPEAR to be a reasonable "new age" mix of pop psychology, Buddhism, Hinduism, and traditional but strained religious terminology and trappings. These non-substance "form" elements are cleverly intended to cloak and religiously immunitize the dangerous and highly profitable pseudo-scientific psychotherapy they call auditing 9. Auditing in essence, is a manufacturing system using trance induction and hypnosis to effect the gradual conversion of the

8 Many historians consider the S.S. as containing part of a secret brotherhood within the 3rd Reich. It had secret initiations, occult mythologies, an inner and outer circle.

9 Reports of neurosis, psychosis, attempted suicide, and alleged suicides related to auditing's dangerous effects are common knowledge but suppressed by fear among former members. (See Appendix C pages V, W).

novice outer circle members 10 into fanatical, undoubting, unquestioning inner circle members. 11

In Scientology's case this outer, skillfully created counterfeit religious image cloaks its real political and commercial goals and affords it the special protective sanctuary and immunities of the U.S. First Amendment. The inner Scientology's successful transmutation of the First Amendment religious **SANC-TURAY** into a political and commercial "**FORTRESS AND ASSAULT VEHICLE**" would be quite impossible to maintain if they were simply seen from the intentions, policies, and actions held and executed on its inner level.

From a secret document siezed in the authorized search on the "church" of Scientology, one sees the inner Scientology's real future goals.

"The vital targets on which we must invest most of our time are: (T1) Depolarizing the enemy to a point of total obliteration. (T2) Taking over the control or allegiance of the heads of proprietors of all news media. (T3) Taking over the control or allegiance of key

10 Many predecessor tactics to coercive persuasion and thought reform can be found in the psychological and social methodologies of these fanatic-producing secret brotherhoods.

11 For a complete technical description of how Scientology achieved this with Wollersheim see Appendix C, "A Technical Overview of a Cumulative Program of Coercion".

political figures. (T4) Taking over the control or allegiance of those who monitor international finance and shifting them to a loss precarious finance standard." (From the document headed "Targets" FBI authorized search documents).

APPENDIX B**NEW FINANCIAL INFORMATION NOT AVAILABLE
AT TIME OF PREVIOUS FILING**

The Church of Scientology, at the time of the Wollersheim trial in 1986, claimed a 16 million dollar net worth. Wollersheim entered evidence at trial that showed that Scientology had transferred approximately 90% + of the income producing assets out of the corporation from 1980-1986, some 250 million - 300 million dollars (R.T. 14304-14313, 14316-14322, 14323). Although the appeal court in California found no merit in any of Scientology's contentions of error, it nonetheless lowered Wollersheim's punitive damages based in significant part on accepting the 16 million dollar net worth which both the jury and trial judge rejected.

In Pinellas County Florida, a recent I.R.S.'s challenge has forced the Church headquarters there to reveal PORTIONS of its operating and expense budgets 1. 1987 is the last year to date for which the Scientologists have provided figures. In a pool of reserve accounts 2 in 1987, the church showed 206 million dollars in assets and 165.6 million dollars in liabilities. These total asset and liability figures are also reasonably

1 St. Petersburg Times Feb 4, 1990 p. 1a "Scientologists, IRS dispute over millions."

2 Key organizations in these pool accounts are organizations transferred out of Church of Scientology of California DURING Wollersheim's trial.

suspect due to Scientology's proven long history of practices such as the establishment of a sham corporation for asset shielding, foreign secret bank account transfers, L. Ron Hubbard's billing an 85 million dollar liability to Scientology for royalties on a E meter device he did not even invent, and diversion of profits to private individuals. ³ These figures must additionally remain in further doubt in light of the internal policy and training exercises discoverd by the FBI on its authorized search of Scientology's headquarters.

In the siezed "Training Routine Lying, (TRL)" document, Scientology members are taught and drilled AS A POLICY how to lie effectively to courts, media, and government officials (this was a plaintiffs exhibit entered at trial but later denied to the jury).

3 Some of which were contained in Church of Scientology of California v. Commissioner of Internal Revenue, 823 F.2d (9th Cir. 1987), cert. denied, 486 U.S. , 108 S. Ct. 1752 (1988). See also Hernandez v. Commissioner of Internal Revenue, U.S. , 109 S. Ct. 2136, 2142 n. Founding Church of Scientology v. U.S. No. 226-61 (1969).

APPENDIX C

A TECHNICAL OVERVIEW OF CUMULATIVE PROGRAMS OF COERCION 1

Coercion is defined as, "to restrain or constrain by force..." Legally it often implies the use of PHYSICAL FORCE or physical or legal threat. This traditional concept of coercion is far better understood than the technological concepts of "coercive persuasion" which are effective restraining, impairing, or compelling through the gradual application of PSYCHOLOGICAL FORCES.

A coercive persuasion program is a behavioral change technology applied to cause the "learning" and "adoption" of a set of behaviors or an ideology under certain conditions. It is distinguished from other forms of benign social learning or peaceful persuasion by the conditions under which it is conducted and by the techniques of environmental and interpersonal manipulation employed to suppress particular behaviors and to train others.

Over time, coercive persuasion, a psychological force akin in some ways to our legal concepts of undue influence, can be even MORE effective than pain,

1 Technical aspects of this appendix are derived in part from "Thought reform programs and the production of psychiatric casualties" Psychiatric Annuals 20, April 1990 by Dr. Margaret Thaler Singer Ph.D and Richard Ofshe Ph.D. This study was not available at the time of earlier filings.

torture, drugs, and use of physical force and legal threats.

The Korean war "manchurian candidate" misconception of the necessary use of suggestibility-increasing drugs, and/or the use of physical pain and torture either separately or together to effect thought reform are generally associated with the old concepts and models of brainwashing. Their presence is not a part of, or necessary for a coercive persuasion program to be effective.

With drugs, physical pain, torture, or even coercive threat, you CAN often temporarily make someone do something against their will. You can even make them do something they hate or they really did not like or want to do at the time. They do it, but their attitude was not changed.

This is much different and far less devastating than that which you are able to achieve with the improvements of coercive persuasion. With coercive persuasion you can change a person's attitude 2 without their knowledge and vo-

2 Changing "attitude" would also include the attitudes and "appearances" of sincerity and the "appearances" of enthusiastic commitment. As one can imagine, coercive persuasion applied to building "sincerity" in a "religious" context wreaks havok with, and creates many paradoxes surrounding the normal First Amendment Constitutional guidelines for religion and religious beliefs, i.e. the validity of the threshold sincerity test.

lition. You can create new "attitudes" where they will do things willingly which they formerly may have detested, things which previously only torture, physical pain, or drugs could have coerced them to do.

The advances in the extreme anxiety and emotional stress production technologies found in coercive persuasion supercede old style coercion that focuses on pain, torture, drugs, or threat in that these older systems do not change attitude so that subjects follow orders "willingly". Coercive persuasion changes both attitude AND behavior not JUST behavior.

THE PURPOSES AND TACTICS OF COERCIVE PERSUASION

Coercive persuasion 3 or thought reform 4 as it is sometimes known, are best understood as a coordinated technology of graduated 5 coercive influence and behavior control designed to decep-

3 E.H. Scheim introduced the term coercive persuasion to the psychiatric literature in "Coercive Persuasion" Norton 1961.

4 R.J. Lifton introduced the term thought reform to the psychiatric literature in "Thought Reform and the Psychology of Totalism" Norton 1961.

5 "The subject is forced to adopt in a series of steps each SUFFICIENTLY MINOR so that the subject does not notice change in them and does not become aware of the goals of the program until late in the process (if ever)." See footnote 2 supra.

tively and surreptitiously 6 manipulate and influence individuals, usually, in a group setting, in order for the originators of the program to profit in some way, normally financially or politically.

The essential strategy used by those operating such programs is to systematically select, sequence and coordinate numerous coercive persuasion tactics over CONTINUOUS PERIODS OF TIME.

There are seven main tactic types found in various combinations in a coercive persuasion program. A specific coercive persuasion program can still be quite effective without the presence of ALL seven of these tactic types.

TACTIC 1. Increase suggestability and/or "soften up" the individual in preparation for thought reform, specifically through hypnotic or other suggestability increasing techniques. 7

6 It is far more effective when it is one's apparent "friends" or organizational "allies" that are surreptitiously applying coercive persuasion techniques to soften up and gradually gain control of one's behavior and independent decision making abilities. Since the individual does not know who their real enemy is, or even that there is an enemy, they have put up none or very few of the ego defense mechanisms we normally maintain in known adversarial situations.

7 "Second generation (cults, therapeutic communities gone astray, and some large group awareness) programs often

A. Extended visual fixation drills, in Wollersheim's case "TRO" drills of staring blinkless for up to two hours at a time done on a daily basis.

B. Excessive exact repetition of routine activities, in the case at hand "the objectives", auditing drills where Wollersheim was subjected to 10 - 40 hours per incidence of trance inducing exact repetition of "object moving" on the Rehabilitation Project Force (RPF) and at 2 - 3 other times during his auditing career.

C. Decreased sleep, while a staff member and particularly when confined to the rehabilitation project force (RPF) Wollersheim's work and penalty schedule would often reduce him to 3 - 5 hours of sleep a night for months on end. (See Pet. at A-3).

D. Nutritional restriction, while confined to the RPF Wollersheim involuntarily lost 15 lbs in 5 - 6 weeks because of food deprivation. (See Pet. A-3).

E. OF ITSELF, Scientology's most important and central procedure, auditing 8 is a hypnotic trance inducing process.

incorporate technical advances in influence production such as hypnotism to intensify recalled or imagined experiences, emotional flooding, sleep deprivation, stripping away defense mechanisms and the induction of cognitive confusion". See footnote 2 supra.

8 It is THE integral and essential component of Scientology's coercion pro-

These hypnotic processes contain commands and questions which of themselves act as subtle suggestions. Various questions are often repeated in auditing hundreds of times in conditions of relaxed, highly focused attention. Wollersheim was subjected to as many as 600 - 800 hours of this form of covert hypnotism. ⁹ While in trance states, Wollersheim was coerced into writing ridiculous success stories which, at best, represented a temporary hypnotic euphoria, or "placebo effect", and Scientology's surreptitious manipulation of the natural biological suggestibility of the trance state. (See R.T. 2191).

TACTIC 2. Using rewards and punishments, efforts are made to establish considerable control over a person's social environment, time, and sources of social support. Social isolation is promoted. Contact with family and friends is abridged, as is contact with persons who do not share group approved attitudes. Economic, and other dependence on the group is fostered.

In the forerunner to coercive persuasion, brainwashing, this was rather easy to achieve, through simple imprisonment. As this coercive tactic was applied to Wollersheim its goals were achieved

grams to subjugate the will and control the mind of its members.

9 Wollersheim contends that auditing is a cloaked type of secular hypno therapy and is not a religious practice. Also, see pending petition Wollersheim v. Church of Scientology 89-1367 (Pet at 2, 3, 22).

through the application of policies that initially did not rely on physical imprisonment. Tactics such as "disconnect", which forced Wollersheim to have nothing to do with his family and particularly his father. "The conditions formulas" which forbade any Scientologists from talking with any former Scientologists if he had been assigned a low formula assignment, such as the condition of treason, enemy, etc. which further isolated Wollersheim (See R.T. at 2414-2416).

Although unnecessary to an effective coercive persuasion program, Wollersheim was eventually compelled to go to the RPF, was physically isolated and "imprisoned" below decks on a 160 foot mine sweeper in the San Pedro harbor with almost no ventilation. While on the RPF he could not leave the ship, when he tried to escape his enforced auditing he was physically held and restrained and returned to the RPF. The RPF experience lasted almost 2 months. (See Pet. App. at A-3, A-4, A-23, A-24).

TACTIC 3. Disconfirming information and non-supporting opinions are prohibited in group communication. Rules exist about permissible topics to discuss with outsiders. Communication is highly controlled. An—"in-group" language is usually constructed.

Any criticisms about Scientology are called "entheta". During Wollersheim's years in Scientology, "entheta" of any kind was eliminated by various punishments. A free flow of information representing diverse viewpoints regarding

Scientology was not tolerated nor was unstressed evaluation time allowed when any critical information to Scientology did appear. In Scientology, totalitarian authoritarianism replaced rationalism.

TACTIC 4. Frequent and intense attempts are made to cause a person to re-evaluate the most central aspects of their experience of self and prior conduct in negative ways. Efforts are designed to destabilize and undermine the subjects basic consciousness, reality awareness, world view, emotional control, and defense mechanisms as well as getting them to reinterpret their life's history, and adopt a new version of causality.

Wollersheim was subjected to numerous coerced confessions such as overt/withhold "crime" and "high crime" write ups, using the E meter, a psuedo lie detector used for "security checks", and overt/withhold auditing. Total time involved in these non-voluntary confessional activities 10, often created from PRE-PREPARED QUESTION LISTS, approached 200 hours. Use of coerced confessions in coercive persasion parallels in kind but not degree the use of non-religious "confessions" to break down the individ-

10 The "inner" meaning of the Scientology "confessionals" can be likened to an interrogation, from which Scientology would create embarrassing files of information on people in case they would be needed later to silence a "defector". (See Appendix A for more information on the operation of the inner Scientology v. the outer Scientology.

ual in political brainwashing programs. (See R.T. at 2192).

TACTIC 5. Intense and frequent attempts are made to undermine a person's confidence in himself and his judgment to creating a sense of powerlessness. 11

On one of many occasions, auditing E-meter "readings" were the determining factor which assigned Wollersheim to certain negative statuses such as the rehabilitation project force. The meter always "knew better" that something was wrong and evil about Wollersheim and only the RPF, the meter, or Scientology could fix it. (Pet. App. at A-3).

TACTIC 6. Non-physical punishments are used such as intense humiliation, loss of privilege, social isolation, social status changes, intense guilt anxiety manipulation and other techniques for creating strong adversive emotional arousals, etc.

Assignment to RPF was the greatest humiliation a staff member could suffer. One was totally isolated, all privileges removed, one had the equivalent of a slave like social status. The assignment of degrading lower "condition formulas" also served the purpose of intense emotional attitude manipulation. (Pet. App. A-3, A-4).

11 "We suggest that attacking the stability and quality of evaluations of self-concepts is the primary effective technique used in the conduct of a coercive thought reform and a behavioral control program." See footnote 2 supra.

TACTIC 7. Certain secular psychological threats [force] are used or are present: That failure to adopt the approved attitude, belief, or consequent behavior will lead to severe punishment or dire consequences (e.g. physical or mental illness, the reappearance of a prior physical illness, drug dependence, economic collapse, social failure, divorce, disintegration, failure to find a mate, etc.).

In Scientology's materials and from other staff members of Scientology, Wollersheim was threatened with going insane or dying of cancer if he didn't buy more auditing fast. He was threatened economically and legally with what is called a "freeloader" debt of \$30-\$50,000 if he left the group or was kicked out of the group because he didn't follow **THEIR EXACT ORDERS**.

In Wollersheim's case the most effective coercive psychological force and threat tactic was that of "fair game" 12 which was applicable to him, his family, and his business and is "allegedly" continuing to be applicable to him at this writing. (See R.T. at 2414-2416).

**COERCIVE PERSUASION IS NOT
"PEACEFUL" PERSUASION**

12 The "fair game" policy in which an enemy "[they] may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist...may be tricked, sued, or lied to or destroyed..." (Pet. at A-4, A-5).

Programs identified with the above listed 7 tactics have in common the elements of attempting to greatly modify a person's self-concept, perceptions of reality, and interpersonal relations. When successful in inducing these changes, coercive thought reform programs also, among other things, create the potential forces necessary for exercising undue influence 13 over a person's independent decision-making ability, and even for turning the individual into a deployable agent for the organization's benefit without their meaningful knowledge or consent. Coercive persuasion programs are effective because individuals experiencing the deliberately planned extreme stresses 14 they

13 Any improper or wrongful constraint, machination, or urgency of persuasion whereby the will of a person is overpowered and he is induced to do or forbear an act which he would not do or would do it left to act freely. Influence which deprives person influenced of free agency or destroys freedom of his will and renders it more the will of another than his own. Misuse of position of confidence or taking advantage of a person's weakness, infirmity, or distress to change improperly that person's actions or decision.

14 "The goal of such programs is to hold the subject at the point of maximum stress without inducing psychosis. [Newer] "second generation programs have increased the room for error because subjects tend to be less well monitored and techniques used to induce anxiety and stress are more powerful and less predictable in the magnitude of their

generate can only reduce the pressures by accepting the system or adopting the behaviors being promulgated by the purveyors of the coercion program.

The relationship between the person and the coercive persuasion tactics are DYNAMIC in that while the force of the pressures, rewards, and punishments brought to bear on the person are considerable, they do not lead to a stable, meaningfully SELF-CHOSEN re-organization of beliefs or attitudes. Rather, they lead to a sort of coerced compliance and a situationally required elaborate rationalization, for the new conduct. Once again in order to maintain the new attitudes or "decisions", sustain the rationalization and continue to unduly influence a person's behavior over time, coercive tactics must be more or less CONTINUOUSLY applied.

A fiery, "hell and damnation" guilt-ridden sermon from the pulpit or several hours with a high pressure salesman or other single instances of the so-called peaceful persuasions 15 do not constitute the "necessary chords and orchestration" of a SEQUENCED, CONTINUOUS, COORDINATED, and carefully SELECTED PRO-

effects on the individual..." See footnote 2 supra.

15 Very rarely a psychologically weak person will crack because of the emotional stress of a fiery pulpit sermon. This mathematical rarity is not an example of an effective coercive persuasion program. An effective coercive persuasion program can crack the strongest of us.

GRAM of surreptitious coercion, 16 as found in a comprehensive program of "coercive persuasion". Truly peaceful religious persuasion practices would never attempt to force, compell and dominate the free will or minds of its members through coercive behavioral techniques or covert hypnotism. They would have no difficulty coexisting peacefully with U.S. laws meant to protect the public from such practices.

Aside from the physical restraint of Wollersheim on the RPF, the individual occurrences of coercive techniques used on Wollersheim, when viewed both cumulatively and synergetically, present, in most aspects, a near classic example of the devastating total effect of programs of coercive persuasion versus single unrelated acts of coercion.

To determine if a coercive persuasion program was effective, it is necessary to determine that the subject individual held sufficient knowledge and volitional capacity to make the decision to change their ideas or beliefs and whether the individual was IN FACT, able to adopt, affirm, or reject those ideas or beliefs ON THEIR OWN 17. Both Wollersheim and

16 A quick review of the 7 main tactics will also help clearly distinguish the differences in degree, environment, and tactics of what we consider the gentle influences of peaceful persuasion from those compelling forces of coercive persuasion.

17 It is not necessary to test or question an individual's faith or have them explain it rationally to make this test.

his expert witnesses testified he was not able to sufficiently make meaningful volitional decisions because of Scientology's coercion i.e. he became "addicted" to auditing. Trial evidence further demonstrated the total "program" nature and deliberately planned "orchestration" behind Wollersheim's coercion.

VARIABLES

Not all tactics used in a coercive persuasion type environment will always be coercive. Some tactics of an innocuous or cloaking nature will be mixed in.

Not all individuals exposed to coercive persuasion or thought reform programs are effectively coerced into becoming participants. How individual suggestability, psychological and physiological strengths, weaknesses, and differences react with the degree of severity, continuity, and comprehensiveness in which the various tactics and content of a coercive persuasion program are applied, determine the program's effectiveness and/or the degree of severity of damage caused to its victims.

For example, in United States v. Lee 455 U.S. 252, 257-258 (1982), the California Supreme Court found that "when a

You are examining or explaining to them technical processes, not idea or belief content, just as in previous studies on brainwashing one did not have to examine the truth, falsity, or sincerity of communism to examine the behavioral processes applied to the victims.

person is subjected to coercive persuasion without his knowledge or consent...[he may] develop serious and sometimes irreversible physical and psychiatric disorders, up to and including schizophrenia, self-mutilation, and suicide." 18

In Wollersheim's case, Wollersheim was induced into a bipolar manic depressive disorder reaching the level of psychosis, panic attacks, psychogenic amnesia, and a post-traumatic stress disorder. 19 (See e.g. R.T. 2502-03). Wollersheim eventually was driven to the brink of suicide. (See Pet. App. A-4).

COERCIVE PERSUASION IS NOT VOLUNTARY, PEACEFUL, RELIGIOUS OR CENTRAL TO ANY BONAFIDE RELIGION. 20 Coercive persuasion is not a religious practice, it is a control technology. It is not a belief or ideology, it is a technological process. As a PROCESS, it can be examined by experts on its technology **COMPLETELY**

18 U.S. House of Representatives Staff Report. "The Assassination of Representative Leo J. Ryan and the Jamestown Guyana Tragedy (1979).

19 Researchers have found the following additional reactions in victims of coercive persuasion: phobias, homicide, and psychological factors effecting physical conditions (DSM-III-R, Section 316.00) such as strokes, myocardial infarctions, unexpected deaths, reoccurrence of peptic ulcers, asthma, etc. See. footnote 2 supra.

20 See Wollersheim v. Church of Scientology of California (89-1367) Pet. at 15, 17, 20, 21).

SEPARATE from any idea or belief content similar to examining the technical process steps of hypnotic induction separate from the meaning or value of the post-hypnotic suggestion. **PROCESSES** examined in this manner can not violate First Amendment religious protections.

Coercive persuasion is antithetical to the First Amendment. It is the unfair manipulation of one's fellowman's biological and psychological weaknesses and susceptibilities. It is a psychological **FORCE** technology not of a free society but a criminal or totalitarian society. 21 It is certainly not a spiritual or religious technology. 22

Any organization using coercive persuasion on its members as a **CENTRAL** practice that also claims to be a religion is turning the **SANCTUARY** of the First Amendment into a **FORTRESS** for psychological assault, is a contradiction

21 Theoretically, physical force could be eliminated in the gradual take over of a country if coercive persuasion could be used to "transform" the key members of that society. (See Appendix A at pages E, F).

22 Coercive persuasion contains a collection of behaviors some, or much, of which can be interpreted as constituting the illegal acts of undue influence, deception, fraud, coercion, false imprisonment, the intentional infliction of emotional distress, outrageous conduct, involuntary servitude, and other tortuous acts.

of terms, and should be "dis-established". 23

Coercive persuasion is a subtle, compelling psychological force which attacks an even more fundamental and important freedom than our "freedom of religion". ITS REPREHENSIBILITY AND DANGER IS, THAT IT ATTACKS OUR SELF DETERMINISM AND FREE WILL, OUR MOST FUNDAMENTAL CONSTITUTIONAL FREEDOMS.

23 See pending petition Wollersheim v. Church of Scientology of California No. 89-1367 (Pet. at 11-25) regarding evidence that Scientology is in fact a counterfeit and mockery of religion.